

REMARKS

The present Amendment is responsive to the Official Action mailed on October 21, 2004. The Office Action allowed claims 27-33, objected to claim 34, rejected claims 37 and 39-46 under 35 U.S.C. 112, second paragraph, and rejected claims 23, 24, 26, 35, 36 and 38 under 35 U.S.C. 103(a). Each of these rejections and the objection is discussed below under the corresponding heading.

Objection to Claim 34

The Office Action objects to claim 34 due to the text "a communication circuit ..." that begins following line 4 of this claim. This text is not part of claim 34, but rather some stray text that was accidentally put there in the Listing of Claims of the previous Amendment. The Examiner is thanked for noting this error, which has now been corrected.

Rejection of Claims 37 and 39-46 Under 35 U.S.C. 112, Second Paragraph

The Office Action rejected claims 37 and 39-46 under 35 U.S.C. 112, second paragraph, due to antecedent problems with claims 37 and 39. Both of claims 37 and 39 have been amended to clarify their antecedent structure and thereby remove the stated basis of these rejections.

Rejection of Claims 23, 24, 26, 35, 36 and 38 Under 35 U.S.C. 103(a)


The Office Action rejected claims 23, 24, 26, 35, 36 and 38 under 35 U.S.C. 103(a) as being obvious over Harari et al. (U.S. patent 5,297,148). Although the validity of the substance of a rejection based on this reference has not been evaluated, it is respectfully submitted this rejection is improper and should be withdrawn as the Harari et al. patent is not applicable as prior art against the present application.

More specifically, as noted in the Office Action, the Harari et al. constitutes prior art only under 35 U.S.C. 102(e). The present application was filed on July 28, 2003, which is after November 29, 1999. The present application and U.S. patent 5,297,148 of Harari et al. were, at the time the invention of the present application was made, both owned by SanDisk Corporation. Consequently, U.S. patent 5,297,148 of Harari et al. is disqualified from being used under 35 U.S.C. 103(a) against the claims of the present application.

Conclusion

For the reasons stated above, it is respectfully submitted that all of the pending claims should now be allowable. Reconsideration of claims of claims 23, 24, 26, and 34-46 and an early indication of their allowance are solicited.

Respectfully submitted,



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